



Docket No.: 240085US3

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



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RE: Application Serial No.: 10/614,899

Applicants: Hiromasa TOMINAGA, et al.

Filing Date: July 9, 2003

For: TEMPERED GLASS SHEET, PROCESS AND
APPARATUS THEREFOR

Group Art Unit: 1731

Examiner: DEHGHAN, Q. S.

SIR:

Attached hereto for filing are the following papers:

Response to Restriction Requirement

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 240085US3



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
HIROMASA TOMINAGA, ET AL. : EXAMINER: DEHGHAN, Q. S.
SERIAL NO: 10/614,899 :
FILED: JULY 9, 2003 : GROUP ART UNIT: 1731
FOR: TEMPERED GLASS SHEET, :
PROCESS AND APPARATUS THEREFOR :

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement stated in the Official Action dated April 11, 2006, Applicants provisionally elect Group (Invention) I, Claims 1-5 and 12-15, drawn to a tempered glass sheet, classified in class 428, subclass 38.

Applicants respectfully traverse the outstanding Restriction Requirement for several reasons.

First, the outstanding Office Action asserts that the inventions I, II and III are distinct, each from the other under MPEP §§ 806.05(f), 806.05(e) and 806.05(g). According to the Office Action, Inventions I and II are distinct, because "[i]n the instant case the product as claimed can be made by another and materially different process such as float glass process;" Inventions II and III are distinct, because "[i]n this case the apparatus as claimed can be used to practice another and materially different process such as melting chocolate;" and Inventions III and I are distinct, because "[i]n this case the product as claimed can be made by another and materially different apparatus such as a mold." However, without further

information, such findings lack grounds upon which it can be evaluated whether in fact the proposed alternatives are "materially different" under MPEP §§ 806.05(f), 806.05(e) and 806.05(g). Accordingly, it is respectfully submitted that the PTO has not carried its burden of proof to establish distinctness.

Furthermore, MPEP §803 states the following:

If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.

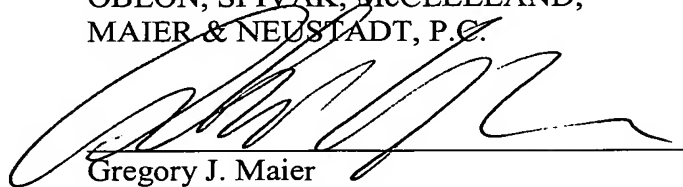
In the present application, Claims 1-5 and 12-15 are directed to tempered glass sheets, Claims 6-8 to processes for producing a tempered glass sheet, and Claims 9-11 to apparatus for producing a tempered glass sheet. Hence, it appears that these claims according to the present invention are part of an overlapping search area and that a search for Claims 1-5 and 12-15 would necessarily include the class and subclass required for a search directed to Claim 6-11 as well. It is therefore believed that there is no undue burden on the Examiner to search all the claims under MPEP §803, and Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

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Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-15 be conducted.

Respectfully submitted,

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